

MINUTES OF THE HOUSE
PUBLIC UTILITIES & TECHNOLOGY STANDING COMMITTEE
Room 450, State Capitol
February 22, 2016

Members Present: Rep. Ken Ivory, Chair
Rep. Stephen G. Handy, Vice Chair
Rep. Patrice M. Arent
Rep. Scott H. Chew
Rep. Kay J. Christofferson
Rep. Rebecca P. Edwards
Rep. Lynn N. Hemingway
Rep. Keven J. Stratton
Rep. Earl D. Tanner

Members Absent: Rep. Brad L. Dee
Rep. Keith Grover

Staff Present: Mr. Adam J. Sweet, Policy Analyst
Ms. Lisa Jones, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Vice Chair Handy called the meeting to order at 8:06 a.m.

MOTION: Rep. Christofferson moved to approve the minutes of February 11, 2016, and February 16, 2016. The motion passed unanimously.

HB0340 Telehealth Revisions (*Rep. K. Ivory*)

Rep. Ivory explained the bill, assisted by Lou Theaur, Department of Telemedicine, University of Utah, and Justin Kahn, Founder, TruClinic. "Two Words About Strokes" from the Moab Times-Independent was distributed to the committee.

Spoke to the bill: Kelly Atkinson, Executive Director, Utah Health Insurance Providers
Brian Allen, Lobbyist, America's Health Insurance Plans

Spoke for the bill: Mark Brinton, Director of Public Affairs, American Medical Association
Emma Chacon, Assistant Division Director, Medicaid

MOTION: Rep. Ivory moved to replace H.B. 340 with 1 Sub. H.B. 340. The motion passed unanimously, with Rep. Stratton absent for the vote.

ORIGINAL

MOTION: Rep. Stratton moved to pass 1st Sub. H.B. 340 out favorably.

SUBSTITUTE

MOTION: Rep. Arent moved to return 1st Sub H.B. 340 to the Rules Committee with a recommendation that it be studied further during the interim. The motion failed with Rep. Chew, Rep. Christofferson, Rep. Stratton, Rep. Tanner, Rep. Handy, and Rep. Ivory voting in opposition.

PENDING ORIGINAL

MOTION: Rep. Stratton's original motion to pass 1st Sub. H.B. 340 out favorably passed with Rep. Arent and Rep. Hemingway voting in opposition.

HB0225 **Cybercrime Amendments** *(Rep. D. Lifferth)*

Rep. Lifferth explained the bill, assisted by Major Brian Redd, Director, State Bureau of Investigation.

MOTION: Rep. Christofferson moved to amend the bill as follows:

1. *Page 1, Lines 19 through 20:*
19 ▶ modifies an element of computer crimes to include a person who acts {
 ~~with~~} without
20 authorization , or whose acts exceed authorization , {~~but then~~} and who
 commits a crime;
2. *Page 1, Line 21:*
21 ▶ modifies the reporting procedure for computer crime offenses , including
 reporting by state agencies ; and
3. *Page 2, Line 55:*
55 (ii) computers and remote terminals; {~~or~~}
 (iii) network connected devices; or
4. *Page 3, Line 88:*
88 [(10)] (13) "Security system" means a computer, computer system, network,
 network connected device, or

5. *Page 4, Line 102:*

102 (1) A person who ~~{with or}~~ , acting without authorization or whose
acts exceed authorization, gains or attempts to gain access to any

6. *Page 5, Lines 140 through 141:*

140 (4) A person who ~~{intentionally or knowingly, and with or}~~ , acting
without authorization, or whose acts exceed authorization,
141 interferes with or interrupts computer services to another authorized to receive the
services is

7. *Page 5, Line 144:*

144 computer system, computer program, computer data or software ~~{intentionally or~~
~~knowingly}~~ unlawfully

8. *Page 5, Line 145:*

145 interferes with or interrupts critical infrastructure is guilty of a ~~{third-degree~~
~~felony}~~ class A misdemeanor .

9. *Page 6, Line 154:*

154 (1) Every person, except ~~[those]~~ a person to whom a statutory or common law
privilege

10. *Page 6, Line 157:*

157 ~~{(1)}~~ (a) the attorney general[;] or county attorney, or, if within a
prosecution district, the

11. *Page 6, Line 160:*

160 ~~{(2)}~~ (b) a state or local law enforcement agency .
(2) Every state agency that has reason to believe that any provision of Section
76-6-703 is being or has been violated within the agency's computer system or
network shall report the suspected violation to the Utah Department of Public
Safety, State Bureau of Investigation.

12. *Page 6, Lines 171 through 172:*

171 that causes or threatens to cause bodily harm, serious bodily injury, or death against

another
172 person is a {~~third degree felony~~} class A misdemeanor .

13. Page 7, Lines 190 through 192:

190 (d) "Minor" means a person who is younger than 18 years of age.
191 {~~(c) "Personal identifying information" means the same as that term is~~
~~defined in~~
192 ~~Section 76-6-1102.~~}

14. Page 7, Lines 194 through 196:

194 prosecution in the jurisdiction where the communication originated or was received if
the person, or a party whom the person has encouraged to act in violation of this
Subsection (2), acts with
195 intent to {~~annoy,~~} alarm, intimidate, {~~offend,~~} abuse, threaten, harass,
{~~frighten,~~} or disrupt the
196 electronic communications of another {~~, the person~~} and :

15. Page 7, Line 208 through Page 8, Line 214:

208 physical harm, or damage to any person or the property of any person;
{+} or {+}
209 (d) causes disruption, jamming, or overload of an electronic communication system
210 through excessive message traffic or other means utilizing an electronic communication
211 device {+} . {+} {~~;~~ or
212 ~~(c) electronically publishes, posts, or otherwise makes available personal~~
~~identifying~~
213 ~~information in a public online site or forum.~~}
214 (3) (a) (i) Electronic communication harassment committed against an adult is a
class

16. Page 9, Lines 261 through 264:

261 (d) A violation of Subsection (2)(d) {~~;~~
262 ~~(i) is a third degree felony; or~~
263 ~~(ii)~~} is a second degree felony {~~if the emergency responders while acting in~~
~~response to~~
264 ~~the report cause physical injury to any resident or other person at the reported~~

location} .

The motion passed unanimously with Rep. Handy absent for the vote.

MOTION: Rep. Tanner moved to make a verbal amendment to the adopted amendment as follows:

1. *Page 9, Lines 261 through 264:*

261 (d) A violation of Subsection (2)(d) {~~:-~~
262 ~~—(i) is a third degree felony; or~~
263 ~~—(ii) is a second degree felony if the emergency responders while acting in~~
~~response to~~
264 ~~the report cause physical injury to any resident or other person at the reported~~
~~location~~} is a class A misdemeanor .

The motion passed unanimously with Rep. Handy and Rep. Stratton absent for the vote.

Spoke for the bill: Brie Taylor, Salt Lake City resident

MOTION: Rep. Christofferson moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Stratton and Rep. Handy absent for the vote.

MOTION: Rep. Christofferson moved to adjourn the meeting. The motion passed unanimously, with Sen. Stratton and Rep. Handy absent for the vote.

Ken Ivory, Chair